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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT WEISS,

Plaintiff,

v.

NORTHTOWN CREDIT
MANAGEMENT,

Defendant.

2:10-CV-1375 JCM (PAL)

ORDER

Presently before the court is plaintiff Robert Weiss' motion to convert settlement into a judgment. (Doc. #15). Defendant Northtown Credit Management has failed to file an opposition.

On December 17, 2010, a notice of settlement was filed with this court. (Doc. #9). On March 7, 2011, plaintiff filed a motion seeking to enforce the settlement, (doc. #11), which this court granted on August 5, 2011 (doc. #14). However, plaintiff asserts that he still has not received payment from defendant. Plaintiff now seeks an order converting the settlement into a judgment to aid in his collection efforts.

Pursuant to Local Rule 7-2(b), an opposing party's failure to file a timely response to any motion constitutes the party's consent to the granting of the motion. *U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, the district court is required to weigh several factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their

1 merits; and (5) the availability of less drastic sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.
2 1995) (citing *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

3 Here, the defendant has failed to respond four separate times. Defendant did not respond to
4 (1) the notice of intent to settle (doc. #9), (2) plaintiff’s email memorializing the terms of the
5 settlement (doc. #11-A), (3) the plaintiff’s motion to enforce settlement (doc. #11), or (4) the motion
6 to convert settlement into a judgment. In light of these failures and weighing the factors identified
7 in *Ghazali*, the court grants the motion to enforce the settlement.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that plaintiff’s motion to
10 convert settlement into judgment (doc. #15) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the clerk shall enter final
12 judgment in this matter and close the case.

13 DATED October 11, 2011.

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16 UNITED STATES DISTRICT JUDGE
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